THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition (M/S) No. 1497 of 2006

Sachin Sehgal S/O Late Tilak Raj Sehgal, R/O 639-B Harikunj (1st Floor) Vijay Park, District Dehradun.

……..Petitioner.

Vs.

1. Additional District Judge/S.C.C./F.T.C. 4th Dehradun.
2. Vipin Kataria S/O Sri Mohan Lal, R/O 639-B Harikung (1st Floor) Vijay Park, District Dehradun.

……..Respondents.

Sri Sharad Sharma, Adv., learned counsel for the petitioner.
Sri Nand Prasad, learned Standing Counsel for the respondent no.1.

Dated September 28, 2006

Hon'ble B.S. Verma, J.

Heard learned counsel for the petitioner as well as learned Standing Counsel for the State and perused the material on record.

The only prayer made by the petitioner in the present writ petition is that the respondent no.1 be directed to decide the S.C.C. Suit No. 08 of 2004, Sachin Sehgal Vs. Vipin Kataria, pending decision in that court expeditiously with the allegation that the petitioner is that landlord-owner of the property in dispute, which was let out to the respondent no.2 on monthly rent @ R. 1,350/- besides water and electric charges. the rent was enhanced and the respondent no.2 had not paid rent since January 2003 onwards. Ultimately, the aforesaid suit was filed. It is alleged that defendant-respondent intends to prolong the litigation. It is alleged that suit is at the stage of final hearing.

Admittedly, the suit is cognizable by the Judge Small Cause Courts and was instituted in the year 2004. In the facts and circumstances of the case, it will be in the fitness of things that the learned J.S.C.C./Additional District Judge, IV Fast Track Court, Dehradun is directed to decide the S.C.C. Suit No.08 of 2004 Sachin Sehgal Vs. Vipin Kataria pending decision in that Court, expeditiously in accordance with law, preferably within a period of eight months form the date of production of certified copy of this court. Both the parties shall co-operate in the expeditious decision of the suit.

With the above direction, the writ petition is disposed of finally.

(B.S. Verma, J.)

28-09-2006

RCP